

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-229
FM Table of Allotments,)	RM-10780
FM Broadcast Stations.)	
(Rosebud and Madisonville, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 12, 2006

Released: July 14, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a *Notice of Proposed Rule Making*¹ issued at the request of Charles Crawford (“Petitioner”), proposing to allot Channel 267A at Rosebud, Texas as a first local service;² (2) a “Request for Approval of Withdrawal” filed by Petitioner; (3) and “Comments and Expression of Interest” filed by Gerald Proctor (“Proctor”).

2. Petitioner filed its request for withdrawal on February 1, 2006, in compliance with Section 1.420(j) of the Commission’s Rules, stating that no consideration was received in connection with the withdrawal of the petition.³ Three months later on May 8, 2006, and more than 20 months after the Reply Comment Deadline, Proctor filed its Comments and Expression of Interest, stating his interest in applying for Channel 267A at Rosebud.

3. We will grant Petitioner’s request for withdrawal. Proctor’s Comments and Expression of Interest will be dismissed as untimely filed. As stated in the Notice, “Pursuant to applicable procedures set out in 47 C.F.R. Sections 1.415 and 1.420, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making*. . . .”⁴ Therefore, since there is no timely filed expression of interest for an allotment at Rosebud, Texas, we will dismiss Petitioner’s proposal.

¹ See *Rosebud and Madisonville, Texas*, Notice of Proposed Rule Making, 20 FCC Rcd 12202 (MB 2005) (“Notice”).

² To accommodate this allotment, Petitioner requested a change in reference coordinates for then-vacant Channel 267A at Madisonville, Texas. In view of the dismissal of the proposal, it will not be necessary to change the reference coordinates of the Channel 267A allotment at Madisonville or modify the now outstanding construction permit application for this allotment (File No. BNPH-20060310ACN). This relocation required the reclassification of Station KNUE as a Class C0 facility. See *Reclassification of License of FM Station KNUE, Tyler, Texas*, Order to Show Cause, 19 FCC Rcd 19711 (MB 2004). Because KNUE’s licensee Capstar Royalty II Corp. failed to file the necessary application to implement minimum Class C facilities, its license authorization was modified to specify operation on Channel 268C0. See File No. BLH-19850307KT.

³ 47 C.F.R. § 1.420(j).

⁴ See Appendix to Notice at para. 4. See e.g. *Butler, Georgia, et al.*, Memorandum Opinion and Order, 21 FCC Rcd 1516 (MB 2006) (affirming dismissal of Petitioner’s Comments, which expressed a continuing interest, because they were filed two days past comment deadline).

4. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to the Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A) since this proposed rule is dismissed, herein.)

5. In view of the above, IT IS ORDERED That the Petition for Rule Making filed by Charles Crawford (MB Docket No. 05-229, RM-10780), requesting the allotment of Channel 267A at Rosebud, Texas, IS DISMISSED.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau